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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 GLENFORD BUDD,

10 Petitioner,

11 vs.

12 RENEE BAKER, et al.,

13 Respondents.
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Case No. 2:16-cv-00613-RFB-PAL

ORDER

15 Petitioner has submitted an application to proceed in forma pauperis (ECF No. 1) and a petition
16 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 5). The application is moot because
17 petitioner has paid the filing fee.

18 Petitioner also has submitted a motion for appointment of counsel (ECF No. 2). Petitioner is
19 unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C.
20 § 3006A(a)(2)(B).

21 Petitioner has submitted a request for evidentiary hearing (ECF No. 3). This request is moot
22 because the court is appointing counsel.

23 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (ECF No. 1)
24 is **DENIED** as moot.

25 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (ECF No. 2)
26 is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

27 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days from
28 the date that this order is entered to undertake direct representation of petitioner or to indicate to the

1 court his inability to represent petitioner in these proceedings. If the Federal Public Defender does
2 undertake representation of petitioner, he shall then have sixty (60) days to file an amended petition for
3 a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner, then the court
4 shall appoint alternate counsel.

5 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof
6 signifies or will signify any implied finding of a basis for tolling during the time period established.
7 Petitioner at all times remains responsible for calculating the running of the federal limitation period
8 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

9 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General for
10 the State of Nevada, as counsel for respondents.

11 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney General
12 of the State of Nevada and the Federal Public Defender a copy of the petition (ECF No. 5) and a copy
13 of this order.

14 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance within
15 twenty (20) days of entry of this order, but no further response shall be required from respondents until
16 further order of the court.

17 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a separate
18 index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments that are filed
19 further shall be identified by the number or numbers (or letter or letters) of the exhibits in the
20 attachment. The hard copy of any additional state court record exhibits shall be forwarded—for this
21 case—to the staff attorneys in Las Vegas.

22 IT IS FURTHER ORDERED that the request for evidentiary hearing (ECF No. 3) is **DENIED**
23 as moot.

24 DATED: September 13, 2016.

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RICHARD F. BOULWARE, II
United States District Judge